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MT LEGISLATIVE HISTORY

Chapter 446 19 89

Bill (H) 592 S _____ Original bill & hist. ___C

H. Committee on Highways & Transportation		S. Committee on Highways & Transportation	
Hearing Date(s) Feb 09	✓C	Hearing Date(s) Mar 16	✓C
Feb 16	✓C	Mar 21	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Feb 17	✓C	Mar 21	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

NOTE: Senate Exhibit #3 was also presented in the House. For the sake of economy it was only photocopied once.

DISPOSITION OF HOUSE BILL 689

Discussion: None

Amendments and Votes: SENATOR WEEDING MOVED to amend House Bill 689. SEE EXHIBIT 2.

MOTION FAILED 4-3 with SENATORS: MEYER, NOBLE, TVEIT, WILLIAMS OPPOSING.

Recommendation and Vote: SENATOR NOBLE MOVED that HOUSE BILL 689 BE NOT CONCURRED IN.

MOTION PASSED 4-3 with SENATORS: WEEDING, ABRAMS, HARP OPPOSING.

HEARING ON HOUSE BILL 572

Presentation and Opening Statement by Sponsor:
REPRESENTATIVE GENE DEMARS, District 29 introduced House Bill 572. SEE EXHIBIT 3.

List of Testifying Proponents and What Group they Represent:

Jesse Munro, Acting Director for the Department of Highways

List of Testifying Opponents and What Group They Represent:

None

Testimony:

JESSE MUNRO, Acting Director for the Department of Highways stated they support House Bill 572.

Questions From Committee Members: SENATOR WILLIAMS asked if there is a sunset on this bill.

REPRESENTATIVE HARRINGTON stated that there is a sunset for 1991.

SENATOR MEYER asked Jesse Munro why they can not do this by rule now.

JESSE MUNRO stated that they do not have rule making authority yet.

SENATOR FARRELL asked about the bill of lading. He asked if he were to haul a load in from Oregon and they don't realize he is going to need copies, who will be responsible for making these.

RAY BJORNSON stated they believe that most seed dealers from out of state would provide a bill of lading to the seed transporters. It is illegal to transport seed without it being identified.

JESSE MUNRO stated that each scale has a photocopying machine.

SENATOR WILLIAMS asked what a lawful noxious weed would be.

RAY BJORNSON explained that there is prohibited noxious weeds and restricted noxious weeds. Restricted noxious weeds allows for so many seeds in a specific sample size, where as prohibited is zero, no weed seeds.

SENATOR NOBLE asked how they know if there are weeds in the seeds.

RAY BJORNSON stated that there should be an attached copy of the invoice what quality of seed it is. It will allow the Department to move faster in identifying seeds from out of state. He explained that they had a seed company which the surrounding states have had problems with. They could not catch the company soon enough to get a source of the seed for lab analysis. By having the GVW stations forwarding that information to them they can then pinpoint the source, determine where that company is going and which area they are working at that particular time.

SENATOR FARRELL stated that the GVW already has the authority to ask for the bill of lading and what this bill is doing is changing what has to be on the bill of lading.

JESSE MUNRO stated that was correct.

Closing by Sponsor: REPRESENTATIVE DEMARS closed the hearing on House Bill 572.

ROLL CALL

HIGHWAY COMMITTEE

DATE March 16, 1989

51st
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER	✓		
SENATOR ABRAMS	✓		
SENATOR FARRELL	✓		
SENATOR WEEDING	✓		
SENATOR NOBLE	✓		
SENATOR STIMATZ	✓		
SENATOR HARP	✓		
SENATOR WILLIAMS	✓		

Each day attach to minutes.

NOTE: Senate Exhibit #3 was also presented in the House. For the sake of economy it wasz

SENATE HIGHWAYS
EXHIBIT NO. 3
DATE 3-16-89
BILL NO. HB 572

TESTIMONY
HOUSE BILL 572
(NOTIFICATION OF AGRICULTURAL SEED SHIPMENTS)

It is widely known that the spread of noxious weeds is one of the most serious problems facing agriculture in Montana. There are numerous ways of spreading noxious weeds, however, one of the most damaging but preventable methods is when farmers inadvertently spread noxious weeds by planting agricultural seed which is contaminated with noxious weed seeds.

Montana's present Seed Law allows no tolerance for prohibited noxious weed seeds in agricultural seed. The problem has been in the monitoring and enforcement of this provision. There have been several situations where seed companies have mistakenly sent noxious weed contaminated agricultural seed into Montana. There have even been a couple of cases where unscrupulous seed companies knowingly shipped poor quality contaminated seed to unsuspecting Montana farmers. Unfortunately the department was not made aware of these particular cases until after the contaminated seed was already planted.

Presently there is no requirement that seed companies notify the department when making shipments into Montana, so the department has no means of knowing when or to whom seed

shipments are made. The department, therefore, most often does not have the opportunity to sample the seed before planting. Aggravating this situation is the fact that in the rush of spring planting, farmers often begin planting the seed very soon after receiving the shipment. By the time the department has determined that a contaminated shipment has been made, the seed is often already planted and the damage already done.

The proposed amendment in House Bill 572 would help prevent this problem. Upon notification of shipment of seeds the department's field inspectors could be "waiting at the farmers door" to sample the seed prior to planting, thus preventing the inadvertent planting of noxious weed seeds contained in the agricultural seed.

The specific amendments requested in House Bill 572 are: (1) Page 2, lines 8 and 9 and page 4 lines 13 through 17; These amendments would require the Gross Vehicle Weight personnel of the Department of Highways to make copies of any bills of lading for seed shipments going through their weigh stations; and then forwarding the copies on to the Department of Agriculture.

(2) Page 6, line 21 through 25 and page 7, line 1 through 4;

This amendment to the Agricultural Seed Law would require all seed dealers to have a bill of lading for each seed shipment. The amendment specifies that certain information such as seller, buyer, and destination be listed in the bill of lading.

It is hoped that these amendments requiring notification of seed shipments will help in the fight against noxious weeds. The amendment will not significantly increase the workload or cost required of state government, or the public, but will greatly increase the effective enforcement of our noxious weed seed laws.

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on MARCH 21, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer, Hubert Abrams, John Harp, Jerry Noble, Lawrence Stimatz, Cecil Weeding, Bob Williams

Members Excused: Senator Bill Farrell

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced that the Committee would have executive action on House Bills 572 and 602.

DISPOSITION OF HOUSE BILL 572

Discussion: The Committee discussed whether or not this bill achieves what the Department of Agriculture is after.

Senator Jenkins will carry House Bill 572.

Amendments and Votes: None

Recommendation and Vote: SENATOR WILLIAMS MOVED that HOUSE BILL 572 BE CONCURRED IN.

MOTION PASSED 5-3 WITH SENATORS: Noble, Harp, Meyer OPPOSING and with Senator Farrell voting aye by proxy.

ROLL CALL

HIGHWAY COMMITTEE

DATE March 21, 1989

51st
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER	✓		
SENATOR ABRAMS	✓		
SENATOR FARRELL			✓
SENATOR WEEDING	✓		✓
SENATOR NOBLE	✓		
SENATOR STIMATZ	✓		
SENATOR HARP	✓		
SENATOR WILLIAMS	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 21, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 572 (third reading copy -- blue), respectfully report that HB 572 be concurred in.

Sponsor: DeMars (Jenkins)

BE CONCURRED IN

Signed: _____

Larry J. Tveit, Chairman

3/21/89

scrhb572.321

Form CS-32
Rev. 1985

HOUSE
STATUS SHEET

51st LEGISLATIVE SESSION

HOUSE BILLS — Highways and Transportation — COMMITTEE

BILL NUMBER	ENTERED COM. DATE	DATE CONSIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CONCURRED IN DATE	BE NOT CONCURRED IN DATE	BE CONCURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
HB 572	2/6/89	2/9/89				2/16/89					
574	2/6/89	2/9/89	2/16/89								
595	2/7/89	2/9/89				2/16/89					
523	2/2/89	2/9/89	/14/89 TABLED								
596	2/8/89	2/14/89									
602	2/8/89	2/14/89				2/16/89					
624	2/10/89	2/14/89				2/16/89					
671	2/13/89	2/16/89		2/16/89							
689	2/14/89	2/16/89		2/16/89							
713	2/15/89	3/7/89	3/7 TABLED								
712	2/15/89	2/28/89		3/9/89							
709	2/15/89	3/9/89		3/14/89							
792	3/29/89	3/30/89		3/30/89							

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

Dept. of Highways to determine the design and content.

Closing by Sponsor: Rep. Russell hoped the Committee would look at this bill favorably and that the whole state of Montana would benefit from this with more understanding and awareness of Native Americans. Rep. Russell distributed a list of amendments, because the tribes are under different jurisdiction than the state of Montana, she stated the amendments would clarify the difference between state and federal jurisdiction and will require that the Dept. of Highways consult with the Indian Tribes.

Vice Chairman Linda Nelson asked Rep. Davis, Rep. Owens and Rep. Steppler if they would form a subcommittee to work on the amendments with Rep. Russell.

HEARING ON HOUSE BILL 572

Presentation and Opening Statement by Sponsor:

Rep. DeMars, House District 29, stated his bill is for an act to require employees of the Dept. of Highways authorized to weight and inspect motor vehicles to collect bill of lading from carriers of agricultural seed, and requires the officers to forward the bill of lading to the Dept. of Agriculture. It will require seed dealers to provide certain information on a bill of lading. Rep. DeMars stated that the spreading of noxious weeds is one of Montana's most serious problems facing agriculture. Rep. DeMars stated the most common way of spreading the noxious weeds is from the farmers seeding, and it is known of several companies shipping poor quality seeds into the state. Rep. DeMars stated the proposed amendment for HB 572 would help the problems of noxious weeds by notification of shipment of seeds so a dept. field inspector would be waiting at the farmer's door to inspect the seeds prior to planting. The amendments would require all seed dealers to have a bill of lading for each seed shipment. The amendments would also require information such as: 1) buyers; 2) sellers, and 3) destination be listed on the bill of lading.

Testifying Proponents and Who They Represent:

Peggy Haagland, Exec. Vice Pres. of Mt. Conservation Dist.

Proponent Testimony:

Ms. Haagland stated they mainly wanted to go on record in support of HB 572 to keep more noxious weeds from entering Montana. Ms. Haagland stated the Conservation districts are actively involved in the administration of the federal conservation reserve programs and stated that the state of Montana spends thousands of dollars a year trying to contain noxious weeds. See Exhibit 3.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Testimony: Jess Munro, acting Dir. of Dept. of Highways, stated this bill does affect the dept. and they can comply with the provisions given by the rule making authority.

Questions From Committee Members: Rep. Clark asked Rep. DeMars if there was an effective date for the bill of lading to go into affect. Rep. DeMars stated as soon as they get the bill through because they wanted it for this spring season. Rep. DeMars stated there is a sunset time in this to end in 1991.

Closing by Sponsor: Rep. DeMars closed stating that Montana needs to get this under control to keep the noxious weeds from spreading anymore than what we already have.

HEARING ON HOUSE BILL 574

Presentation and Opening Statement by Sponsor:

Rep. Grady, House District 47, opened by presenting his bill for new license plates for the state of Montana. Rep. Grady distributed a handout that showed the loss of revenue to the County Treasurer's office that is in the millions from non registered of vehicles or new plates. Rep. Grady stated in California they have 1 million out of 20 million that are not registered and at $70 dollar average for registering, amounts to $70 million per year loss for Calif. as an example of what can happen in going so long without registering for a vehicle. Rep. Grady stated his bill saves money and that it essentially goes to one plate that will take effect in 1990 and extends the Centennial Plates until 1996. Rep. Grady stated that more states are going to one plate and the new cars that are coming out have only the one bracket in the back for the license plate. Rep. Grady also stated that it would be an option to going to non reflector plates. Rep. Grady stated there would be a 88% savings in costs of new license issuance, and elimination of the reflective sheeting would save about 48% of the cost, $1,067,700. Eliminating the second plate would be a savings of 42% or $911,439. By issuing only one plate and non reflective would be a cost of $669,500.

Testifying Proponents and Who They Represent:

DAILY ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date February 9, 1989

NAME	PRESENT	ABSENT	EXCUSED
Chairman Stang, Barry "Spook"	✓		
Vice Chairman Linda Nelson	✓		
Rep. Bachini, Bob	✓		
Rep. Davis, Ervin	✓		
Rep. Harrington, Dan			✓
Rep. O'Connell, Helen	✓		
Rep. Stoppler, Don	✓		
Rep. Westlake, Vernon	✓		
Rep. Aafedt, Ole	✓		
Rep. Campbell, Bud	✓		
Rep. Clark, Robert	✓		
Rep. Owens, Lum	✓		
Rep. Patterson, John	✓		
Rep. Roth, Rande	✓		
Rep. Zook, Tom	✓		

CS-30

EXHIBIT
DATE Feb 9, 1989
HB 572

MONTANA | Association of Conservation Districts

1 South Montana 443-5711
Helena, MT 59601

Testimony to the Highways & Transportation Committee -- HB 572

For the Record, my name is Peggy Haaglund and I am Executive Vice President to the Montana Association of Conservation Districts.

MACD does support HB 572. The conservation districts are actively involved in the administration of the Federal Conservation Reserve Program. Under this program, thousands of acres of highly erodible land in Montana are being planted to permanent grasses and legumes. Thousands of acres across the United States are being planted to permanent cover.

The forest fire areas that were burned this past summer have been or will be reseeded.

This means that there is a shortage of grass and legume seed in Montana and it has been necessary for us to go out of state to obtain the seed that we need to plant all of these acres.

Weeds in Montana now are an enormous problem. Montanans spend millions of dollars for weed control each year, and they are fighting a loosing battle.

With the planting of these acres of erodible and burned acres it is of importance that the quality of the seed planted be as weed free as humanly possible.

I urge you to support HB 572. This is one step in preventing new weeds from envading Montana.

VISITORS' REGISTER

Highways COMMITTEE

BILL NO. HB 572 DATE Feb 9, 1989

SPONSOR

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Peggy Haaglund	MT Assoc of Conservation Dist	HB 572	
Leonard Frazer	Deer Lodge MT		X
Gary Foster	HIA 436 N. Jackson Hl		X
Bob LaFervais	[redacted] H.D. #9	HB 575	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

and the rates could not be talked about because of the Antitrust Law. The one thing that did come out was that Rep. Peterson asked that the Committee not to table this bill, she would rather see it as a do pass or do not pass.

Rep. Zook commented that this seems to be a cycle thing, and that there are too many log trucks at this time and didn't feel that was any reason to go to the PSC because it wouldn't solve the problem of too many log haulers.

Rep. Patterson stated that in the 1985 session there was a bill in to remove some of the truckers from the PSC control and it passed a caused a lot of concern. Rep. Patterson said he was afraid that if the Committee allowed this to happen that the haulers would be using the PSC as a collective bargaining agent between them and the mills.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Aafedt made the motion to TABLE HB 162. Roll call vote was taken. The motion CARRIED to TABLE HB 162 8/7. See roll call vote.

DISPOSITION OF HOUSE BILL 689

Motion: Rep. O'Connell moved for a DO PASS.

Discussion: Rep. Bachini stated he has gone out on a lot of trips without a radio and it is a necessity to have those radios because there are so many emergencies at crossings. Rep. Bachini stated that without the caboose it is more difficult to communicate with the engineer and it would be very convenient to have those radios.

Rep. Roth asked if there could be a way to amend this so it wouldn't interfere with the working system that MRL has. Rep. Bachini answer stating that if the railroad has an existing policy of providing the two radios that it would not be affected by this amendment.

Amendments, Discussion, and Votes: Rep. Roth moved to adopt the amendments. Rep. Roth withdrew his motion because the Committee Members had to go back to the floor of the House for 15 minutes. The motion CARRIED unanimously to adopt the amendments.

Recommendation and Vote: Rep. Bachini moved for a DO PASS AS AMENDED. Rep. Nelson called the question. Roll call vote was taken. The motion CARRIED to DO PASS AS AMENDED 12/3. Rep. Campbell, Rep. Clark and Rep. Roth voted no.

DISPOSITION OF HOUSE BILL 572

Motion: Rep. Patterson moved for a DO PASS.

Discussion: Rep. Patterson commented that this bill deals with the seeds coming into the state of Montana mainly for the CRP program, a federal subsidized program for farmers and ranchers to take out tillable grain fields and seed it to back to native grasses. Rep. Patterson stated because of that the state has run out of native seed and it has to be imported. Rep. Patterson stated that some companies have shipped seed that was supposed to be cleaned and was infected with knapweed, leafy spurge and thistle. Rep. Patterson stated this bill deals with seed trucks coming into the state and would give the GVW personnel the authority to obtain bills of lading to submit to the Dept. of Agriculture. Rep. Patterson stated this bill does terminate in 1991 and felt at that time the CRP program will be finished and there will not be a need for any more of the seed. The effective date will be as soon as Governor Stephen signs the bill because the farmers will be getting ready to start reseeding early this spring and they need the bill in to start that process as soon as possible.

Amendments, Discussion, and Votes: Motion was made to adopt amendments. Rep. Westlake called the question. The motion PASSED unanimously.

Recommendation and Vote: Rep. Bachini moved to adopt HB 572 as amended. Question was called. The motion CARRIED unanimously to DO PASS AS AMENDED.

DISPOSITION OF HOUSE BILL 574

Motion: Rep. Zook moved to DO NOT PASS.

Discussion: Rep. Stang stated that it might be best to table the bill rather than kill it in case Rep. Quilici's bill doesn't pass. Rep. Stang turned it over to Rep. Nelson for a report from the Subcommittee.

Rep. Nelson stated they were asked to come up with a consensus for HB 245 and HB 574. Rep. Nelson stated that Rep. Grady was willing to have his bill tabled in favor of Rep. Quilici's bill. Rep. Nelson stated the Subcommittee tried to incorporate some of Rep. Grady's bill into Rep. Quilici's bill and gave a synopsis of the two combined.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Nelson moved to TABLE HB 574. Question was called. The motion CARRIED unanimously to TABLE HB 574. Rep. Campbell voted no.

DISPOSITION OF HOUSE BILL 245

DAILY ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date Feb 16, 1989

NAME	PRESENT	ABSENT	EXCUSED
Chairman Stang, Barry "Spook"	✓		
Vice Chairman Linda Nelson	✓		
Rep. Bachini, Bob	✓		
Rep. Davis, Ervin	✓		
Rep. Harrington, Dan			✓
Rep. O'Connell, Helen	✓		
Rep. Steppler, Don	✓		
Rep. Westlake, Vernon	✓		
Rep. Aafedt, Ole	✓		
Rep. Campbell, Bud			✓
Rep. Clark, Robert			
Rep. Owens, Lum	✓		
Rep. Patterson, John	✓		
Rep. Roth, Rande	✓		
Rep. Zook, Tom	✓		

CS-30

2/17/89

STANDING COMMITTEE REPORT

February 17, 1989

Mr. Speaker: We, the committee on Highways and Transportation report that HOUSE BILL 572 (first reading copy -- white) do pass as amended .

Signed: _____
Barry Stang, Chairman

And, that such amendments read:

1. Title, line 10.
Following: "LADING;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE"

2. Page 4, line 14.
Following: "lading"
Insert: "or other evidence of delivery"

3. Page 4, line 15.
Following: "80-5-120"
Insert: "that have been sold or are intended for sale in Montana"

4. Page 6, line 21.
Strike: "Licensed seed"
Insert: "Seed"

5. Page 6, line 22.
Following: "lading"
Insert: "or other evidence of delivery"

6. Page 7.
Following: line 8
Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 5. Termination. [This act] terminates July 1, 1991."

STANDING COMMITTEE REPORT

February 17, 1989

Mr. Speaker: We, the committee on Highways and Transportation report that HOUSE BILL 572 (first reading copy -- white) do pass as amended .

Signed: _____
Barry Stang, Chairman

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Insert: "that have been sold or are intended for sale in Montana"

4. Page 6, line 21.
Strike: "Licensed seed"
Insert: "Seed"

5. Page 6, line 22.
Following: "lading"
Insert: "or other evidence of delivery"

6. Page 7.
Following: line 8
Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 5. Termination. [This act] terminates July 1, 1991."